

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

JENNA RIES, KATLYN BARBER,
EMILY ANIBAL AND JOANNE BISHOP,

Case No: 1:20-cv-0002-HYJ-RSK
District Judge Hala Y. Jarbou
Magistrate Judge Ray Kent

Plaintiffs,

v.

ORAL ARGUMENT REQUESTED

McDONALD'S USA, LLC, McDONALD'S
CORPORATION, MLMLM CORP., and MAAKS, INC.

Defendants.

**MOTION BY DEFENDANTS MLMLM CORPORATION
AND MAAKS, INC. FOR DETERMINATION THAT CLASS
CERTIFICATION IS NOT APPROPRIATE FOR THIS CASE**

Defendants MLMLM Corporation and MAAKS, Inc., through their counsel, Lipson Neilson P.C., for their Motion for Determination that Class Certification is not Appropriate for this Case, state as follows:

1. The Anglo-America judicial system resolves disputes between the actual parties to the dispute. Class actions are an exception from this rule and are only permitted in a limited number of circumstances in which adjudicating the claims by class representatives also resolves the claims by the absent class members.

2. This lawsuit alleges that all of the Defendants violated Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e, et seq. ("Title VII"), and Michigan's Elliott-Larsen Civil Rights Act, Mich. Comp. Laws §37.2101, et seq. Employment litigation that challenges a particular employment practice, may be

suit for resolution by a class action if there is a single question that can be resolved by the same, common, evidence.

3. This lawsuit, however, is based upon alleged harassment by a low level former MLMLM employee named Shawn Banks. All the Plaintiffs had different relationships and experiences with Mr. Banks. Resolving the discrimination claims by each Plaintiff requires a detailed review of the evidence particular to each of them.

4. In addition, Plaintiffs cannot show that resolving their own, individualized claims will also resolve the potential claims of the members of the class that they seek to certify. Indeed, the testimony of six other potential class members shows that their claims differ significantly from those of the named Plaintiffs and would need to be resolved based upon evidence particular to their case.

WHEREFORE Defendants MLMLM Corporation and MAAKS, Inc. request that this Honorable Court enter an order determining that this case is not appropriate for class certification for the reasons stated more in the Brief Supporting this Motion.

Respectfully Submitted,

Lipson Neilson P.C.

By: /s/ C. Thomas Ludden
C. Thomas Ludden (P45481)
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Dated: June 22, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on June 22, 2021, I electronically filed a MOTION BY DEFENDANTS MLMLM CORPORATION AND MAAKS, INC. FOR DETERMINATION THAT CLASS CERTIFICATION IS NOT APPROPRIATE FOR THIS CASE and this Certificate of Service with the Clerk of the Court using the ECF System which will send notification of such filing to all attorneys of record.

/s/ Amy Zielinski